

IN RE:  
NEREIDA CORIANO ALVELO

CASE NO. 13-08480-MCF

CHAPTER 13

DEBTOR (S)

### TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED PLAN CONFIRMATION UNDER §1325

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$1,350.00 R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,864.00    Fees paid: \$0.00    Fees Outstanding: \$2,864.00</b>
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With respect to the proposed (amended) Plan dated: **October 11, 2013** (Dkt 2). Plan Base: **9,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]: Default in payments to Trustee.

Debtor is one month in arrears in payment to trustee.

- Fails Disposable Income Test [11 U.S.C. §1325(b)]

Debtor has failed to include income from Christmas Bonus in Schedule I, therefore, the Plan needs to provide that any Christmas bonus will be devoted to fund the Plan.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

1) Debtor has failed to include complete income in Mean Test. 2) Debtor has failed to submit paystubs for April 2013 and September 2013.

- Other/Comments

On February 11, 2014, the Trustee filed a motion to dismiss for debtor's failure to cooperate with the Trustee. (Docket no. 10)

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this February 12, 2014.

/s/ Mayra Arguelles -Staff Attorney

JOSE R. CARRION

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CHAPTER 13 TRUSTEE  
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